

The Westfield-Washington Advisory Plan Commission held a meeting on Monday, June 16, 2008 scheduled for 7:00 PM at the Westfield City Hall-Council Chambers.

Opening of Meeting 7:00 PM

Roll Call – Note Presence of a Quorum

Commission Members Present: Robert Smith, President; Cindy Spoljaric, Vice President; Daniel Degnan, Robert Horkay, Ginny Kelleher, and Rob Stokes.

Commission Members Absent: Pete Emigh, Bill Sanders, Bob Spraeztz

City Staff Present: Gregory J Anderson, Director CD, and Brian Zaiger, City Attorney.

Approval of the Minutes:

Motion: To adopt the May 19, Public Hearing Minutes as presented.

Motion by: Kelleher; Second by Horkay; passed unanimously by voice vote.

Leuteritz read the Public Rules and Procedures.

Requests for Continuance:

Case No.	0708-REZ-03
Petitioner	Peacock Springmill LLC
Description	16025 Spring Mill Road, requests a change in zoning for approximately 6.9 acres from the AG-SF1 District to the GB District.

Mr. John Moore, representing Peacock Springmill, LLC, requested continuance to the November 17 Public Hearing Meeting.

After Commission discussion, Moore stated the petition would be withdrawn by Tuesday, June 17, 2008.

Motion: To deny the six-month continuance of 0708-REZ-03.

Motion by: Kelleher; Second by: Horkay; Motion passed 6-0.

Case No.	0709-REZ-04
Petitioner	Douglas Realty Group, LLC
Description	16024 Spring Mill Road, requests a change in zoning for approximately 20

acres from the AG-SF-1 District to the LB District.

Motion: To deny the six-month continuance of 0708-REZ-04.

Motion by: Stokes; Second by: Horkay; Motion passed 6-0.

OLD BUSINESS

Case No. 0805-PUD-01
Petitioner Uptown Partners, LLC
Description 547 East 161st Street, requests a change in zoning for approximately forty (40) acres from the AG-SF-1 District to the “The Villas at Timber Ridge” PUD District.

Anderson reviewed the staff report stating this petition was at the June 2 Workshop Meeting. He also stated the Public Hearing was held on May 19, 2008. He further stated the Staff is recommending the petition be forwarded to the City Council with a positive recommendation.

Mr. Jon Dobosiewicz stated there are no proposed modifications at this time.

Discussion

Degnan stated the building of the clubhouse was discussed at the workshop meeting.

Dobosiewicz stated the petitioner is prepared to modify the ordinance to require the construction of a clubhouse on site, but is prepared to make the modification to the ordinance prior to seeking council approval. He further stated willingness to verbally commit to modify the ordinance to require the construction of the clubhouse, but the ordinance does not indicate that at this time.

Spoljaric stated she submitted several comments that she does not believe were addressed at an acceptable level.

Smith asked for an update on the construction of a round-about.

Dobosiewicz stated he had a recent discussion regarding the construction of the round-about, and that when the petition was filed they identified right of way necessary beyond what the Thoroughfare Plan had shown. The cost of the roundabout is projected at approximately \$800,000 to \$1,000,000. It is the petitioner’s belief the City has instituted a fair and equitable process through implementation of road impact fees that would go toward an equitable share of the construction costs for that and the petitioner has gone beyond that in supplying or committing to the applicability of a greater amount of right

away to help the City offset additional costs borne by their decision to move forward on the round about.

Dobosiewicz added that the clubhouse construction would be complete prior to construction of 50% of the homes on the site.

Mr. Justin Moffit clarified that it is the understanding of the petitioner that it was a desire of the Commission to see the clubhouse built on site, and the petitioner is committing to build the clubhouse on site and is willing to commit to do that within Phase I of the development plan.

Kelleher further clarified that if a commitment is not in the PUD, unless it is made part of a motion, it is not a commitment.

Spoljaric added that she had made several comments at the Workshop meeting and is disappointed at the lack of changes made to address those comments.

Horkay thanked Dobosiewicz and Moffit for all the time spent in discussions and expressed concern about all the open issues moving on toward the City Council.

Kelleher expressed concern about a project leaving the Commission and going on to the Council with the potential to still make changes to the project after leaving the Commission.

Degnan agreed and stated it seemed like an inefficient process with the possibility of a petition being approved at the Commission level and then changes being made at the Council level which may change the project.

Anderson added that a new formal report would be sent to the City Council summarizing the results of the Commission meetings for all petitions.

Motion: To approve as presented and send 0805-PUD-01 with a positive recommendation to the City Council.

Degnan asked to amend the motion to add the commitment to build the Clubhouse on site during Phase I of the project.

Stokes amended the motion.

Motion by: Stokes; Second by: Smith; Vote: (2-4) Motion Failed.

Motion: To send 0805-PUD-01 with a negative recommendation to the City Council.

Motion by: Spoljaric; Second by: Kelleher; Vote: (3-3)

0805-PUD-01 will be sent to the City Council with no recommendation from the Advisory Plan Commission.

NEW BUSINESS

Case No. 0806-DP-07 & 0806-SIT-06
Petitioner North Communities Church
Description 19200 North Horton Road, requests Development Plan Review and Site Plan Review of a new religious institution, approximately sixteen (16.10) acres in the AG-SF-1 District.

Anderson reviewed the staff report and the petition history; this petition was introduced at the APC Workshop meeting on June 2. He stated this property is not in an overlay district. He further stated staff's recommendation is to approve with conditions.

Mr. Doug Elmore, representing the petitioner, introduced Dave Clark, Civil Engineer, and recognized several representatives from the church in attendance. He shared the site plan and reviewed the project. He also shared a sample of the proposed siding for the building which is a more durable product than EFIS. He discussed the waiver on the trail across the front stating the proposal to construct their part of the trail when one meets them at their location.

Discussion

Stokes asked about the color of the roof material.

Elmore responded that the roof material will stay as proposed, but committed to the color being a darker, neutral more non-reflective color.

Kelleher discussed the ponds and suggested the petitioner may want to work with Hamilton County Soil and Water to assist with making the ponds more attractive and efficient.

A Public Hearing opened at 8:05 p.m.

Mr. Joe Plankis asked if provisions have been made for right of way to accommodate the thoroughfare plan for the future.

Anderson responded yes; Elmore responded yes; for the Thoroughfare Plan they are setting aside the right away requested today.

Zaiger stated this is not dedicated yet.

Elmore stated they don't own the land at this time, but when they get approval they will purchase and dedicate.

The Public Hearing closed at 8:07 p.m.

Motion: To grant the Waiver request regarding trail installation at a later date when future development meets this project.

Motion by: Kelleher; Second by: Horkay; Vote: (6-0)

Motion: To approve 0806-DP-07 with the following conditions:

1. Compliant recorded legal descriptions for both remainder parcels shall be provided to WCD before the issuance of an ILP for the proposed institution;
2. The required path be installed within the right-of-way in the event pathways are extended to the perimeter of the subject site by any future development.
3. That all necessary approvals and permits be obtained from the Hamilton County Surveyor's Office prior to the issuance of an ILP for the proposed institution.
4. That the roof be in a darker, neutral color in order to be non-reflective.
5. That the landscaping plan be revised around the detention pond to be less attractive to Canadian geese.
6. That the site plan reserve right away in accordance with the Hamilton County Thoroughfare Plan.

Motion by: Kelleher; Second by: Degnan; Vote: (6-0)

Case No.	N/A
Petitioner	City Staff
Description	Confirmatory Resolution: Approval of the Plan Commission's Order Approving the Redevelopment Commission's Resolution Amending the Declaratory Resolution for the Lantern Commons Economic Development Area.

Discussion

Zaiger explained the Resolution, stating the Redevelopment Commission has suggested and planned for an Eastside Economic Development area, which has come through before requesting an order stating its compliance with the Comprehensive Plan. He stated that later it came back with a Lantern Commons Economic Development area, which cut the Lantern Commons area separate from the Eastside development area; therefore, Lantern Commons is its own TIF area; capture its money on the increment and serve the infrastructure in that area. Zaiger further explained that this Resolution adds Woodside Development to the Lantern Commons Economic Development area; it anticipates no infrastructure, no change in zoning, no uses; it simply captures it before the July 1 time period when we cannot add to Economic Development areas so this area can be later brought forward for zoning requests or infrastructure requests. The recommendation of staff is to approve this because it is compliant with the Comprehensive Plan because it doesn't change zoning, doesn't anticipate a change in it, and doesn't anticipate a change

in the use nor changes to any of the roads that are presently there at this point; they would have to come back in the future to do anything.

Zaiger further discussed the July 1 date which is part of 10-01 – Restructure of the Tax System in the State.

Motion: To approve Plan Commission Order 08-04 to establish an economic development area.

Motion by: Kelleher; Second by: Spoljaric; Vote: (6-0)

ITEMS FOR DISCUSSION

Anderson reviewed the six areas of zoning changes, including 0806-ZOA-06, 0806-ZOA-07, 0806-ZOA-08, 0806-ZOA-09, 0806-ZOA-10 and 0806-ZOA-11. Anderson will email the new versions with updated changes as a result of comments from the Commission.

Discussion

- Appropriateness of wording on first page, the word “morals.”
- Appropriateness of wording, “Prevent unlawful uses”
- Annexations: “...annexations if they are other than AGSF1, they have to petition the city for a zoning change.” Zaiger explained the purpose and reasoning for this verbiage.
- Platting/Replatting of subdivisions; whose responsibility?

The Corporate Business Park section of the code (0806-ZOA-07) was reviewed page by page and the following items were discussed:

- Anderson gave an introduction to the ordinance.
- Page One: Purpose & Intent, Campus-Like Setting, should this be a definition? Anderson responded that more than likely Campus-Like Setting will be a definition.
- Page Two: Office uses: medical uses, but why not a clinic? Anderson responded it meant more of an individual examining room type atmosphere. After discussion, it was decided to leave it “medical.”
- Page Three: Bottom: District Size – not less than 40 acres, could be larger, correct. Individual lot size not less than 3 acres. Anderson responded district size could be larger. Plankis responded three acres was based on developer discussions and feedback. Spoljaric - not allowing commercial storage, but allow trucks to be parked outside, fencing issue becomes critical – Anderson responded will rework this section.

- Page Four: Building Maximum Height was discussed and explained. Use: Bakeries. Transitional yard; Project perimeter yard vs. interior yards. – Anderson explained the intent.
- Page Five: Spoljaric asked about FAR and also stated that as far as parking, we need to encourage parking garage and shared parking. Spoljaric also believes on Walls and Fencing, wording leaves it a little too open. Kelleher wanted to add under General Architectural Requirements, "...or residential district."
- Page Six: Under Facades – "no building shall have metal sheeting...." Doesn't say whether you can use vinyl and do you want to eliminate metal sheeting? Anderson stated more research would be done on this section. Number of roof top antennae and cables were discussed.
- Page Seven: Roof Materials: Traditional and Composition – subjectivity. Anderson gave explanation. Screening and walls around roof-top structures.
- Page Eight and Page Nine: Definitions which will be moved to the Definition section of the ordinance.

Anderson gave an overview of the balance of the ordinances to be reviewed and encouraged the Commission to email comments and questions to him.

REPORTS:

18792 North US 31, Paddack's Heavy Transportation.

Anderson stated staff is still working with Paddack's; they will be going before the Board of Zoning Appeals for a Variance of Use and a Variance of Standard. He further stated Paddack's will probably come up at the APC Workshop meeting in August.

ADJOURNMENT 9:30 PM

Approved (date)

President, Robert Smith, Esq.

Vice-President, Cindy Spoljaric

Secretary, Gregory J. Anderson, AICP